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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,378	02/07/2001	Debra L. Biebesheimer	14069(YOR920000766US1)	6851

7590 -03/11/2004

Richard L. Catania, Scully  
Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, NY 11530

EXAMINER
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WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 03/11/2004

*13*

Please find below and/or attached an Office communication concerning this application or proceeding.

1724

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/778,378	BIEBESHEIMER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Isaac M Woo	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4, 10-11, 13, 19-20, 22 and 25-30 is/are rejected.
- 7) ☒ Claim(s) 5-9, 14-18 and 23-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 04 February 2004, has been entered.

2. Claims 1, 10 and 19 are currently amended. Claims 25-30 are newly added. Claims 3, 12 and 21 are canceled. The pending claims are 1-2, 4-11, 13-20 and 22-30.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4, 10-11, 13, 19-20, 22 and 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chundi et al (U.S. Patent No. 6,502,091, hereinafter, "Chundi") in view of Gee et al (U.S. Patent No. 5,459,636, hereinafter, "Gee").

With respect to claims 1, 10 and 19, Chundi discloses the system, method and program storage device readable by machine embodying a program of instructions executable by machine to perform for classifying user contexts (context clustering) in a customer self service system that performs resource search and selection, the customer self service system including a context attribute database (36, FIG. 1) comprising types of user contexts and one or more context attributes (usage categories) associated with each user context for processing by the system, and context attribute function database comprising functions for computing values for each context attribute, see (col. 1, lines 6-67 to col. 2, lines 1-67 to col. 3, lines 1-6); receiving a user query (col. 2, lines 31-49, col. 5, lines 5-16) and context vector (FIG. 4, FIG. 5, FIG. 6, col. 7, lines 1-27) comprising data associating an interaction state with the user (38, usage logs, FIG. 1, col. 1, lines 6-67 to col. 2, lines 1-67 to col. 3, lines 1-6); processing the query and context vector (FIG. 4, FIG. 5, FIG. 6, col. 7, lines 1-27) against data included in a context attribute database (36, FIG. 1) comprising types of user contexts and one or more context attributes (usage categories) associated with each user context for processing by the system, see (FIG. 1, FIG. 2, FIG. 3, FIG. 4, FIG. 5, FIG. 6, col. 5, lines 17-67 to col. 6, lines 1-67 to col. 7, lines 1-36, col. 2, lines 4-67 to col. 1-6, col. 4, lines 40-67 to col. 5, lines 1-45); and processing the query and context vector against data included in a context attribute function database (FIG. 4, FIG. 5, FIG. 6, col. 7, lines 1-27) comprising functions for computing values for each context attribute (col. 5, lines 5-67 to col. 6, lines 1-67 to col. 1-36), for in predicting a particular user context and

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populating the user context vector with context parameters specifying (col. 5, lines 5-67 to col. 6, lines 1-67 to col. 1-36), a user interaction state (usage logs, col. 2, lines 27-61). Chundi discloses that user may submit multiple queries in an attempt to solve the same problem. Subsequent queries may be refinements of the initial query. It is currently assumed that each query is a separate session. This technique can be extended to the case where each retrieval session includes multiple queries, or a user problem rather than a single query, see (col. 5, lines 38-44), which teaches that the user contexts are used for later queries (subsequent resource search), see (col. 1, lines 5-67 to col. 2, lines 1-25). Chundi does not explicitly disclose implementing a supervised learning algorithm. However, Gee discloses the implementing a supervised learning algorithm. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to include supervised learning algorithm in the system of the Chundi. Because the supervised learning algorithm provides sample data modeling algorithm, which helps find data pattern for classification.

With respect to claims 2, 11 and 20, Chundi discloses that applying the functions to context for specifying the user interaction state, the populating step including annotating the context vector with a set of context parameters for use in subsequent processing, see (FIG. 2-6, col. 7, lines 1-27).

With respect to claims 4, 13 and 22, Chundi discloses that updating the attribute value functions database with more enhanced functions, see (FIG. 1, col. 3, lines 61-67 to col. 4, lines 1-67 to col. 5, lines 1-5).

With respect claims 25, 27 and 29, Chundi discloses, context that including criteria beyond content, see (col. 3, lines 61-67 to col. 4, lines 1-67 to col. 5, lines 1-5).

With respect claims 26, 28 and 30, Chundi discloses, user context with context parameters beyond content, for use in a subsequent search, see (col. 3, lines 61-67 to col. 4, lines 1-67 to col. 5, lines 1-5).

***Allowable Subject Matter***

5. Claims 5-9, 14-18 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW  
February 25, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER